

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2001-013368

11/07/2011

HONORABLE J. JUSTIN MCGUIRE

CLERK OF THE COURT
E. Ramirez
Deputy

IN RE THE MARRIAGE OF
AARON WAYNE BRASKETT

AARON WAYNE BRASKETT
4848 E ROOSEVELT ST # 1036
PHOENIX AZ 85008

AND

DIANA LYNNE BRASKETT

DIANA LYNNE BRASKETT
4616 W GARY DR
CHANDLER AZ 85226

FAMILY COURT SERVICES-CCC

HEARING ON SIMPLIFIED MODIFICATION

Courtroom 506—Central Court Building

4:17 p.m. This is the time set for Evidentiary Hearing on the *Petition to Modify Child Support "Simplified Process"* filed July 1, 2011, by Aaron Braskett, and the *Request for Hearing and Counter Petition* filed July 27, 2011, by Diana Braskett. Petitioner/Father, Aaron Braskett, is present on his own behalf. Respondent/Mother, Diana Braskett, is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Aaron Braskett and Diana Braskett are sworn.

LET THE RECORD REFLECT that the parties met informally with an officer of the Family Court Conference Center prior to the commencement of today's hearing. The Court has been advised that the parties have been unable to reach an agreement.

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Case status is reviewed.

THE COURT FINDS that the parties agree, for the purpose of a child support calculation,

- Mother earns \$7,470 gross monthly income.
- Father pays \$442 per month child support for another child by court order.
- There are no other children in either party's household for which either parent provides support either by order of the court or not.
- Father pays \$300 per month court-ordered spousal maintenance in another case.
- Father pays \$102.72 per month for medical/dental/vision insurance for the minor child.

THE COURT NOTES that the remaining areas of dispute are: Father's parenting time; Father's gross monthly income for calculation of child support; adjustments or credits applicable for extraordinary expenses (special needs or gifted), and child care costs.

The Court takes judicial notice of the *Child Support Order* filed (entered) September 4, 2008.

Parenting Time

Aaron Braskett, having previously been sworn, now testifies.

Diana Braskett, having previously been sworn, now testifies.

Based upon the evidence and testimony presented,

THE COURT FINDS that, for purposes of a child support calculation, Mother is the primary physical custodial parent and Father exercises 164 days per year parenting time.

Father's Income

Aaron Braskett testifies further.

Diana Braskett testifies further.

Based upon the evidence and testimony presented,

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THE COURT FINDS that it is appropriate to attribute Father \$3,607.07 gross monthly income. The Court attributes Father a 40-hour work week under the *Arizona Child Support Guidelines*.

Child Care Costs

Diana Braskett testifies further.

Aaron Braskett testifies further.

THE COURT FINDS that the parties' equal cost of daycare is \$137.50 per month. The Court notes due to timing of payment by each party the daycare has a credit balance and Mother may recoup overpayment.

Extraordinary Expenses (Special Needs or Gifted)

Diana Braskett testifies further.

Aaron Braskett testifies further.

THE COURT FINDS that Mother regularly paid the entire private tuition and fees until two (2) months ago and the two-month period is not a substantial and continuing change. The Court credits Mother \$467.33 per month fees and tuition.

Pursuant to the testimony of the parties, review of the court file, and the Child Support Guideline Worksheet filed herein,

THE COURT FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the *Arizona Child Support Guidelines* are as set forth in the *Child Support Worksheet* incorporated herein by reference.

The existing child support order requires Mother to pay child support of \$188.05 per month. The current application of the child support guidelines as set forth above results in a decrease of \$33.73 which is greater than a 15% variation from the existing order.

THE COURT FINDS that there is evidence of a substantial and continuing change of circumstances to modify child support in this case.

IT IS ORDERED granting the *Petition to Modify Child Support "Simplified Process"* filed July 1, 2011.

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THE COURT NOTES that the child support guidelines would dictate a finding of support to be paid by Mother to Father in the amount of \$154.32 effective August 1, 2011. The Court uses its discretion and shall enter an order for current child support for \$154 per month.

IT IS ORDERED that Obligor/Mother shall pay Oblige/Father the sum of \$154 per month, as and for current child support commencing August 1, 2011, and continuing on the same day of each month thereafter. Said amount is to be paid through the Support Payment Clearinghouse by wage assignment. *Payment is due on the 1st of each month and late on the last day of the month.*

LET THE RECORD REFLECT an Order of Assignment shall initiate electronically by the above-named deputy clerk.

The Court's further findings and orders are as contained in the formal written *Child Support Order* signed and entered herein.

IT IS FURTHER ORDERED approving and settling formal written *Child Support Order* signed by the Court on November 7, 2011, and filed (entered) by the Clerk on November 7, 2011.

LET THE RECORD REFLECT that the parties receive conformed copies of the foregoing in open court.

5:02 p.m. Hearing concludes.

PLEASE NOTE: Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. § 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

PLEASE NOTE: This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.